

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COOKEVILLE DIVISION**

<b>Dr. JULIA GRUBER</b>	)	
<b>and ANDREW SMITH,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.: 2:21-cv-00039</b>
	)	
<b>Dr. LORI BRUCE, in her individual and</b>	)	<b>Judge Crenshaw</b>
<b>official capacities,</b>	)	<b>Magistrate Judge Newbern</b>
	)	
<b>Defendant.</b>	)	<b>JURY DEMAND</b>

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**PLAINTIFFS' MOTION TO ASCERTAIN STATUS**

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Based on the significant caseload in the Middle District and throughout the federal court system, Plaintiffs imagine that this Court would be happy if Congress appointed additional judges to help. With that in mind, Plaintiffs somewhat reluctantly file this Motion to Ascertain Status pursuant to Local Rule 7.01(c).

On June 2, 2022, Plaintiffs filed a Motion for Preliminary Injunction. Docket Entry No. 51. Defendant filed its Response on August 10, 2022 (Docket Entry No. 56) and Plaintiffs filed a Reply on August 17, 2022 (Docket Entry No. 57).<sup>1</sup>

Plaintiffs are confident that the caselaw and reasoning found in their September 28, 2022, Motion for Summary Judgment (Docket Entry No. 60) and subsequent Reply (Docket Entry No. 84) will lead this Court to find in their favor. However, Plaintiffs' concern is that the sanctions

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<sup>1</sup> On September 22, 2022, the parties engaged in mediation, which was not successful. On September 28, 2022, Plaintiffs filed a Motion for Summary Judgment. Two days later, Defendant filed Motions for Summary Judgment in her individual and official capacities. Both parties have filed responses and replies to their respective Motions for Summary Judgment.

Defendant issued will be lifted in Spring of 2023, that Defendant may then argue (though unsuccessfully) potential issues of mootness (only increasing fees in this matter), and Plaintiffs will not be able to regain rightful privileges for their upcoming Spring Semester.

As such, Plaintiffs file this Motion to Ascertain the Status of Plaintiffs' Motion for a Preliminary Injunction. Docket Entry No. 51. Should this Court ultimately grant Plaintiffs' Motion for Summary Judgment, halting the sanctions would undoubtedly have been done in the interest of justice. Should the Court ultimately grant Defendant's Motion for Summary Judgment, Defendant can simply "tack on" the months of the sanctions that remain after the decision is made and will suffer not any prejudice.

Accordingly, Plaintiffs file this Motion to Ascertain the Status of their pending Motions.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on November 9<sup>th</sup>, 2022, a copy of this Motion was filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt as follows:

E. Ashley Carter, BPR #27903  
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